

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARVIN SIMON, as Authorized :
Representative For the Marvin Simon :
Trust, as amended, for Palm Investors, :
LLC and for the Jeffrey Markman 1993 :
Irrevocable Trust, MARILYN SIMON, :
CLAUDE HARRIS, ANN HARRIS, BEN :
SIMON, HEIDI SIMON, BRITT SIMON, :
KIM FINK, ANDREW FINK, AMY :
GOLDBERG, STEFAN RESSING, :
Individually and as Trustee of the S. :
Ressing 1999 Trust, FITZROY :
VENTURES, LLC, MICHAEL LE, :
Individually and as Trustee of the ML Lee :
1999 Trust, and MACKENZIE :
VENTURES LLC, :

Plaintiffs, :

v. :

KPMG LLP and SIDLEY AUSTIN :
BROWN & WOOD LLP, f/k/a BROWN :
& WOOD, LLP, :

Defendants :

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 05-CV-3189 (DMC)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon the motion of Representative Plaintiffs Marvin Simon, et al. pursuant to Fed. R. Civ P. 23(e) for Final Class Certification of this Action for Settlement Purposes and Final Approval of the Settlement Agreement with Defendants KPMG LLP and Sidley Austin Brown & Wood (“Defendants”); and the Court having considered the papers submitted by Plaintiffs in support thereof; and oral argument in open court; and the Court having been satisfied that the proposed Settlement is fair, reasonable and adequate; and for the reasons stated in the Court’s Opinion issued on this day;

IT IS on this 2nd day of June, 2006;

ORDERED that Plaintiffs' motion for final class certification of this action for settlement purposes is **granted**, and it is further

ORDERED that Plaintiffs' motion for final approval of settlement is **granted**, and the Settlement Agreement is **approved**.

S/ Dennis M. Cavanaugh
DENNIS M. CAVANAUGH, U.S.D.J.

Date: June 2, 2006
Original: Clerk's Office
cc: All Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File